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Chairperson: Mr. Penke ..... (Latvia)

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The meeting was called to order at 10.30 a.m.

Agenda item 64: Report of the Human Rights Council (*continued*) (A/C.3/64/L.61)

Draft decision A/C.4/64/L.61: Report of the Human Rights Council

1. **Mr. Khane** (Secretary of the Committee) announced that since the Secretariat had made editorial changes to the text before the Committee, the representative of Zambia, the sponsor of the draft decision on behalf of the States Members of the United Nations that were members of the Group of African States, had requested that the consideration of the text be postponed until the afternoon meeting.

2. *It was so decided.*

Agenda item 104: Crime prevention and criminal justice (*continued*) (A/C.3/64/L.11/Rev.1 and L.12/Rev.1)

Draft resolution A/C.3/64/L.11/Rev.1: Improving the coordination of efforts against trafficking in persons (continued)

3. **Mr. Mokin** (Russian Federation) said that since the problems addressed in the draft resolution required joint action and real political will, he welcomed the adoption of the text by consensus. The Russian Federation would have preferred a text with greater focus on specific measures, particularly a United Nations global plan of action on preventing trafficking in persons, but welcomed the fact that an acceptable compromise had been reached and was pleased to have joined the list of sponsors.

4. **Ms. Kondolo** (Zambia), speaking on behalf of the Group of African States, said that the draft resolution would help improve the lot of victims of trafficking throughout the world. The Group of African States welcomed the political will shown by all States, which had enabled the text to be adopted by consensus. Mindful of the seriousness of the phenomenon of trafficking, the leaders of the Non-Aligned Movement, at their meeting in Sharm El-Sheik, had called for the adoption of a United Nations global plan of action to enable Member States, intergovernmental organizations, civil society and the private sector to coordinate their struggle against human trafficking, taking account of all relevant legislation, in particular the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. The Group of African States welcomed the initiatives that had been taken in other regions of the world and noted that the draft resolution would allow the General Assembly to continue its discussion of the adoption of a global plan of action, in accordance with resolution 63/194, with the involvement of all Member States and stakeholders. The Group also welcomed the efforts of the Secretary-General, the United Nations High Commissioner for Human Rights, and the Special Rapporteur on trafficking in persons, especially women and children, who had encouraged Member States to combat trafficking even more actively, and the coordinating role played by the United Nations Office on Drugs and Crime. Victims of trafficking could be found on every continent, regardless of race or ethnic origin. The Group of African States was determined to help them and to put an end to impunity for traffickers, and urged all delegations to join the struggle.

5. **Mr. Chiriboga** (Ecuador) said that in 2004, his country had made combating trafficking a priority, waged on three fronts: prevention, suppression and protection of the victims. In 2006, Ecuador had adopted a national plan to combat human trafficking and other forms of exploitation, which included initiatives by non-governmental organizations and those resulting from international cooperation. Member States must eradicate human trafficking, which was a new form of slavery that made no distinctions of gender, age or social status. People in developing countries were the most vulnerable to trafficking, since poverty facilitated both the hunt for victims and their exploitation. National and regional measures were not sufficient to address the magnitude of the issue; Ecuador supported the United Nations initiative aimed at tackling all aspects of the problem, with the ultimate goal of adopting a global plan of action that would enable human trafficking to be combated effectively in countries of origin, transit and destination.

6. **Mr. Bennwik** (Sweden), speaking on behalf of the European Union; the candidates countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina and Montenegro; and, in addition, Iceland, the Republic of Moldova and Ukraine, expressed satisfaction that the text had been adopted by consensus. The European Union was firmly committed to combating human

trafficking and to the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, and saw the increase in the number of parties to the Protocol as a sign of the political will of States to combat that scourge. The European Union was firmly convinced that the international community must commit to establishing a mechanism to monitor the ratification and implementation of the Convention and the Protocol, and therefore supported the establishment of a global plan of action. European Union member States had launched several national and regional initiatives on the issue but much remained to be done, in particular with regard to the trafficking and exploitation of children and in terms of understanding and addressing the needs of the victims. Combating trafficking and protecting the victims were two priorities of the European Union, as reiterated by participants at the October 2009 Ministerial Conference in Brussels. The European Union welcomed the appointment of co-facilitators to start consultations and consideration by Member States of a global plan of action, but stressed the importance of avoiding any duplication of other instruments, particularly the Convention and the Protocol, and any diversion of efforts that should be dedicated to their implementation.

7. **Ms. Medal** (Nicaragua) welcomed the adoption of the draft resolution by consensus but expressed disappointment at the lack of interest by some States in the plan of action, which would however lead to a stronger and more coordinated implementation of anti-trafficking instruments. The plan of action must be based on a broad consensus in the international community; Nicaragua called on all countries that expressed opposition to human trafficking to participate in its establishment.

8. **Mr. Michelsen** (Norway) said that his country remained fully committed to combating human trafficking and supported the Convention and the Protocol, the main instruments on the matter, without reservation. The increase in the number of States parties to the Protocol reflected the political will to wage that struggle. Norway believed that before adopting new instruments, the existing ones should be implemented fully and that implementing the Protocol was the best way to combat human trafficking at the global level. In that regard, the Conference of the Parties to the Convention should have an efficient and independent monitoring mechanism, and Norway would work towards that end.

9. **Mr. Takashima** (Japan) said that his country was determined to combat human trafficking, a struggle that required coordination and effective action. The consultations should aim to determine the most effective way to combat human trafficking, and the plan of action was one possibility. Japan would participate constructively in open and transparent consultations that took account of the opinion of all Member States, including those that doubted the usefulness of the plan of action.

10. **Mr. Monterrey Suay** (El Salvador) said that his country would have preferred a text with greater emphasis on the protection of victims, women and children in particular, but welcomed the adoption of the draft resolution by consensus. El Salvador would have become a sponsor if that had still been a possibility.

11. **Mr. Kidwell** (United States of America) said that the United States of America shared the common desire to renew collective efforts to confront human trafficking. Much work remained to be done but the international community should focus on implementing the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. While more countries had become parties to the Protocol, the number of prosecutions of traffickers had gone down by 35 per cent in six years and the number of convictions remained much too low. Effective enforcement of laws was the only viable deterrent. It was worth noting that non-parties could participate in the Conference of the Parties as observers and that decisions taken by consensus often included the input of observers. States that chose not to participate were not truly committed to combating human trafficking. The United States of America was sceptical about the usefulness of a global plan of action and believed that States should do more at the national level to prevent trafficking, punish the traffickers and protect the victims. International coordination should aim to enable donors and implementers to work with Governments that had limited resources to achieve that goal.

Draft resolution A/C.3/64/L.12/Rev.1: Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

12. **Mr. Khane** (Secretary of the Committee) presented a statement of programme budget implications of the draft resolution in accordance with rule 153 of the rules of procedure of the General Assembly. The technical assistance and advisory services referred to in paragraph 6 of the draft resolution would be financed by extrabudgetary resources. The finalization of the Santo Domingo Pact, the Managua Mechanism document and other regional programmes referred to in paragraph 7 of the draft resolution would be subject to the availability of extrabudgetary resources. With respect to the request in paragraph 12, he referred to section 16 of the proposed programme budget for the biennium 2010-2011. The request made in paragraph 20 would entail a requirement for an additional amount of $448,200 in the proposed programme budget for the biennium 2010-2011, including $421,900 under section 2, General Assembly and Economic and Social Council affairs and conference management, for interpretation at four meetings and the issuance of 96 pages of documentation, $16,400 under section 16 for travel of meeting servicing staff and $9,900 under section 28D, Office of Central Support Services. The amounts requested under sections 2 and 28D would be covered by resources allocated to the General Assembly on dates to be determined in consultation with the Department for General Assembly and Conference Management. Every effort would be made to absorb the travel expenses of meeting servicing staff within the appropriation for the biennium 2010-2011. With regard to the treaty event mentioned in paragraph 21, any additional requirement should be covered by the proposed budget resources under section 8, Legal affairs, and section 27, Public information. The enhancement of technical assistance for cooperation in combating terrorism referred to in paragraph 25 would be subject to the availability of extrabudgetary resources. With respect to paragraphs 23 and 30, resources under section 16 of the proposed programme budget for the biennium 2010-2011 amounted to $38,258,800 before recosting, which was 1.8 per cent higher than the revised appropriation for the biennium 2008-2009. Finally, the organization of a high-level segment during the fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime referred to in paragraph 31 would have no budget implications if no more than 20 meetings were planned for the Conference of the Parties. Adoption of the draft resolution would therefore have no budget implications under the proposed programme budget for the biennium 2010-2011. He recalled the provisions of resolution 45/248 B on the prerogatives of the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions with respect to administrative and budgetary matters.

13. He noted that Andorra should be replaced by Algeria in the list of sponsors of the draft resolution.

14. **Mr. Mogini** (Italy) introduced draft resolution A/C.3/64/L.12/Rev.1 on behalf of its sponsors, which had been joined by the following countries: Albania, Australia, Costa Rica, Cuba, Ecuador, Eritrea, Ghana, Iceland, India, Indonesia, Kazakhstan, Liechtenstein, Mongolia, Montenegro, Morocco, Netherlands, Nicaragua, Norway, Senegal, Suriname, Thailand and Turkey.

15. **The Chairperson** announced that the following countries had also become sponsors of the draft resolution: Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Barbados, Bangladesh, Belarus, Belize, Botswana, Burkina Faso, Cameroon, Cape Verde, Côte d'Ivoire, Congo, Democratic Republic of the Congo, Grenada, Guinea, Haiti, Jamaica, Kenya, Lebanon, Liberia, Madagascar, Malawi, Mali, Namibia, Niger, Nigeria, Papua New Guinea, Philippines, Saint Lucia, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Serbia, Sierra Leone, Sudan, Swaziland, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Uganda, Ukraine, United Republic of Tanzania, Uruguay, Zambia and Zimbabwe.

16. **Ms. Stefan** (Liechtenstein) said that her country, which had traditionally been a sponsor of the draft resolution, had made proposals in the current year that focused on the overall mandate of the United Nations Office on Drugs and Crime (UNODC) to strengthen domestic criminal justice systems in order to assist States, particularly in post-conflict situations, to investigate the most serious crimes, such as genocide, war crimes and crimes against humanity, and to prosecute the perpetrators. Liechtenstein regretted that, despite its proposals to revert to the language of previous resolutions, the draft resolution did not

contain any explicit or implicit reference to that important mandate. She hoped that the proposals would receive broader support at the next session.

17. *Draft resolution A/C.3/64/L.12/Rev.1 was adopted*

18. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) said that her country had joined the consensus despite some reservations, particularly with respect to the fourteenth preambular paragraph referring to a common and shared responsibility to combat transnational organized crime and terrorism, a notion that was not enshrined in any existing regional instrument or international convention on counter-terrorism. She recalled that there was no internationally agreed definition of terrorism, including State terrorism. The fourteenth preambular paragraph was a distorted interpretation of the third paragraph of the Bangkok Declaration, which referred to the need to improve international cooperation in combating crime and terrorism at the multilateral, regional and bilateral levels in a spirit of common and shared responsibility, but did not in any way establish a common and shared responsibility. If such a responsibility actually existed, no State would openly protect or refuse to extradite notorious terrorists such as the Cuban Luis Posada Carriles, the perpetrator of numerous terrorist attacks, including an attack against a Cuban aircraft travelling from Venezuelan territory that had killed more than 70 people.

19. Her delegation also had reservations as to the eleventh preambular paragraph referring to the links between the illicit trafficking in firearms and transnational organized crime and other forms of crime, including terrorism: it did not recognize the existence of systemic links between those offences, each of which had different motives and should be analysed on a case-by-case basis. Furthermore, the establishment of an automatic or permanent link was a denial of the presumption of innocence, a universally recognized principle in the area of human rights.

20. Lastly, her delegation regretted the obstacles that had prevented the holding of a transparent, open and constructive discussion of the paragraphs on which it had reservations. It intended to raise its concerns at the sixty-fifth session of the General Assembly with a view to achieving a more satisfactory text that reflected the position of all Member States.

Agenda item 105: International drug control (*continued*) (A/C.3/64/L.15/Rev.1)

Draft resolution A/C.3/64/L.15/Rev.1: International cooperation against the world drug problem

21. **Mr. Khane** (Secretary of the Committee) said that, in paragraph 7 (b) of the English version of the text, a semicolon should be inserted instead of a comma after the words "development programmes". With respect to the activities set out in paragraph 4, he said that technical assistance for States that requested it would be financed by extrabudgetary resources and referred to section 16 of the proposed programme budget for the biennium 2010-2011. With reference to the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, he said that the recommendations in paragraph 21 of the draft resolution would not entail any additional expenditures. Therefore, draft resolution A/C.3/64/L.15/Rev.1 had no programme budget implications. He recalled section VI of General Assembly resolution 45/248 B, which referred to the role of the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions.

22. He wished to underline the difference between a special session of the General Assembly and a high-level segment of the Economic and Social Council. A special session would probably have programme budget implications, because it would require practical arrangements and procedural steps similar to those for an ordinary session, such as the election of a president and the preparation of a provisional agenda, whereas a high-level segment would be easier to organize. He was providing those details so that the Member States could take a fully informed decision.

23. **Mr. Sánchez** (Mexico) said that the following countries had become sponsors of the draft resolution: Algeria, Austria, Canada, Croatia, Cuba, Democratic Republic of the Congo, Denmark, France, Germany, Guyana, India, Indonesia, Ireland, Israel, Jamaica, Japan, Kazakhstan, Mongolia, Norway, Poland, Romania, Saint Lucia, Slovakia, Spain, Switzerland, Turkey, Ukraine and United States of America. In his view, the number of sponsors of the draft resolution confirmed the determination of the international community to combat the drug problem at the global level through the adoption of an integrated and

balanced strategy. The draft resolution had been discussed at several sets of constructive informal consultations that had made it possible to take into account the concerns expressed about efforts to combat the drug problem, which were a shared responsibility and must be conducted through international cooperation while also respecting the sovereignty, territorial integrity and legal equality of States. He welcomed the Secretary's remarks regarding the correction to paragraph 7 (b) and the recommendation set out in paragraph 21, which he also believed had no financial implications, and which would be considered during deliberations at the sixty-fifth session of the General Assembly.

24. **The Chairperson** announced that Albania, Angola, Bahamas, Barbados, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Burkina Faso, Cameroon, El Salvador, Gabon, Gambia, Ghana, Greece, Guinea, Lesotho, Liberia, Lithuania, Malaysia, Malawi, Morocco, Papua New Guinea, Philippines, Saint Kitts and Nevis, San Marino, Suriname, Swaziland, the former Yugoslav Republic of Macedonia, Togo, Trinidad and Tobago, United Republic of Tanzania and Zimbabwe had also become sponsors of the draft resolution.

25. **Mr. Mokin** (Russian Federation) said that his country did not wish to oppose the consensus on the draft resolution, but had chosen not to become a sponsor. The Russian Federation considered that the omnibus resolution adopted by the United Nations on the issue should be based on objective expert studies indicating the main global trends and threats, as that would determine the long-term effectiveness of international cooperation in dealing with the world drug problem. In particular, it was necessary to combat the illegal cultivation of opium poppies and the production and trafficking of narcotics from Afghanistan. The point was not to underline the particular problems of one country or pass judgment on its efforts to combat narcotics, but to take into account the role of opiates in the world drug market and the links between drug trafficking and terrorist groups in that country, and to recognize that narcotics from Afghanistan posed a worldwide threat. The Russian Federation was of the view that the scope of the problem should not be underestimated in the draft resolution and that there was no justification for removing from paragraph 18 the call to strengthen multifaceted international and regional cooperation, particularly with respect to Afghanistan. His delegation considered that, in the current year, Member States had unfortunately moved away from the balanced approach adopted in the omnibus resolutions of previous years, which had taken fully into account the priorities of international cooperation in combating the drug problem, a move that would only hinder the efforts of the international community.

26. **Mr. Romero** (Plurinational State of Bolivia) said that he was gratified that the draft resolution, which had achieved consensus among the Member States, included a provision in paragraph 7 (c) to take account of "the traditional licit uses of crops where there is historical evidence of such use". That was consistent with the proposal by the Plurinational State of Bolivia to amend article 49 of the Single Convention on Narcotic Drugs of 1961 regarding coca leaf chewing, a traditional practice whose long history was well documented and which should therefore be preserved. He hoped that all delegations would approve the proposal, which would be a strict implementation of the draft resolution. In any case, the Plurinational State of Bolivia reiterated its full commitment to combating the illicit trafficking in narcotics.

27. *Draft resolution A/C.3/64/L.15/Rev.1, as orally corrected, was adopted.*

28. **Mr. Bennwik** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, and Montenegro; and, in addition, the Republic of Moldova and Ukraine, welcomed the Political Declaration and the Action Plan adopted by the Commission on Narcotic Drugs, and congratulated the sponsors of the draft resolution for their harmonization efforts. The negotiations had indeed led to a longer and more comprehensive text. However, the European Union would have preferred the draft resolution to have a greater focus on the issue of demand, as well as on the prevention and treatment of HIV. It was for that reason that some European Union member States had not been able to join the sponsors of the draft resolution, which had nonetheless given rise to some constructive informal consultations.

29. **Ms. Méndez Romero** (Bolivarian Republic of Venezuela) expressed regret that her country had not been able to become a sponsor of the draft resolution,

due to reservations over paragraph 9. The Bolivarian Republic of Venezuela did not believe there was a systemic link between different types of offences — including terrorism — since each category of offence had different motives. The establishment of such a link ignored the rights of due process and the principle of the presumption of innocence. Nevertheless, she confirmed her delegation's support for the draft resolution and reiterated Venezuela's commitment to combating illegal drug trafficking.

Agenda item 62: Advancement of women (*continued*)

(a) Advancement of women (*continued*)

Draft resolution A/C.3/64/L.18/Rev.1: Violence against migrant women workers

30. **The Chairperson** said that the draft resolution had no programme budget implications.

31. **Ms. Banzon-Abalos** (Philippines) announced that Argentina, the Congo, the United Republic of Tanzania and the United States of America had become sponsors of the draft resolution. She wished to make the following oral revisions: the English title should be changed from "Violence against migrant women workers" to "Violence against women migrant workers", a change that did not affect the French version; in paragraph 5, the phrase "consistent with their obligations under agreed international human rights instruments" should be amended to read "consistent with their human rights obligations and commitments under human rights instruments"; and in paragraph 17, the phrase "to direct the competent authorities within their jurisdiction to inform her of her rights in this regard and", should be replaced by the phrase: "to ensure that competent authorities respect her freedom to communicate with and have access to the consular officials of the country of her nationality, and in this regard", and the word "origin" should be replaced by the word "nationality".

32. The ambitious draft resolution, which she hoped would be adopted by consensus, advocated respect for the dignity of migrant women workers, including those employed in the domestic or informal sectors. Cooperation between the authorities of the country of destination and the consular officials of the country of origin was crucial to the protection of their rights, in particular the right of access to health-care services and to redress mechanisms in the event that their rights were violated.

33. **Mr. Khane** (Secretary of the Committee) announced that Angola, Azerbaijan, Bangladesh, Belize, Bosnia and Herzegovina, Brazil, Cape Verde, Chile, Colombia, Comoros, Costa Rica, Ghana, Haiti, India, Jamaica, Kenya, Mali, Mexico, Mozambique, Papua New Guinea, Rwanda and Uruguay had become sponsors of the draft resolution.

34. *Draft resolution A/C.3/64/L.18/Rev.1, as orally revised, was adopted.*

35. **Mr. Vinluan** (Singapore) said that Singapore reaffirmed its commitment to protect the rights of women migrant workers and had joined the consensus on the draft resolution, but noted that the provisions must be implemented within the applicable legal and regulatory framework in each country.

Agenda item 62: Advancement of women (*continued*)

(b) Implementation of the outcome of the Fourth World Conference on Women and of the twenty-third special session of the General Assembly (*continued*) (A/C.3/64/L.60)

Draft resolution A/C.3/64/L.60: Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and Platform for Action and the outcome of the twenty-third special session of the General Assembly

36. **The Chairperson** said that the draft resolution contained no programme budget implications.

37. *Draft resolution A/C.3/64/L.60 was adopted.*

38. **The Chairperson** suggested that, in accordance with General Assembly decision 55/488, the Committee should take note of the report of the Committee on the Elimination of Discrimination against Women on its forty-second and forty-third sessions (A/64/38), the note by the Secretary-General transmitting the report on the future operation of the International Research and Training Institute for the Advancement of Women (A/64/79-E/2009/74) and the note by the Secretary-General transmitting the report of the activities of the United Nations Development Fund for Women (A/64/164 and Add.1).

39. *It was so decided.*

Agenda item 67: Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*)

(a) Elimination of racism, racial discrimination, xenophobia and related intolerance (*continued*) (A/C.3/64/L.53)

Draft resolution A/C.3/64/L.53: Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

40. **Mr. Khane** (Secretary of the Committee) recalled that the following countries had become sponsors of the draft resolution: Belarus, Benin, Côte d'Ivoire, Ethiopia, Kazakhstan, Kyrgyzstan, Nicaragua, Nigeria, Tajikistan and Turkmenistan.

41. **Mr. Lukiyantsev** (Russian Federation), introducing draft resolution A/C.3/64/L.53 on behalf of its sponsors, who now also included Bolivia, Eritrea and South Africa, said that the sponsors had striven from the start to ensure the text was balanced and acceptable to all delegations by holding open consultations and bilateral meetings, as a result of which they had decided to revise the text as follows: the words "as well as similar extremist ideological movements" should be added at the end of the fifth preambular paragraph; in paragraph 1, the beginning of the paragraph should read "Reaffirms the relevant provisions of the Durban Declaration and of the outcome document of the Durban Review Conference, in which States"; in the English version of paragraph 2, the word "Welcomes" should be replaced by "Takes note with appreciation of"; in paragraph 3, the words "as outlined in her report to the General Assembly" should be deleted; in paragraph 8, after the words "the anti-Hitler coalition", the word "or" should be replaced by the word "and", and the words "those practices are" should be replaced by the words "failure by States to effectively address such practices", and each occurrence of the words "are incompatible" should be changed to "is incompatible"; in paragraph 11, the words "the particular importance of education" should be replaced by the words "the particular importance of all forms of education, including human rights education"; a new paragraph 12 bis should be added, to read as follows: "Stresses the importance of other measures and positive initiatives aiming at bringing communities together and providing them with space for genuine dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives which require continued State support"; in paragraph 15, after the words "hostility or violence", the word "shall" should be changed to "should"; in paragraph 19, the words "within exiting resources" should be deleted (a revision made after consulting with the Secretariat, which had confirmed that the necessary resources had already been allocated to the mission of the Special Rapporteur); and in paragraph 21, the word "Urges" should be replaced by the word "Encourages".

42. His delegation stressed that it was the struggle against Nazism and its racist theories that had united Member States and led to the establishment of the United Nations and that any attempt to rewrite history ran counter to the letter and the spirit of the Charter.

43. **Mr. Khane** (Secretary of the Committee) announced that the Seychelles and Uganda had joined the sponsors of the draft resolution as orally revised.

44. **Ms. Kolontai** (Belarus) thanked the Russian delegation for keeping open the Committee agenda item concerning the inadmissibility of the resurgence of Nazism, Fascism and violent nationalist and racist ideologies. The Second World War, during which Belarus had lost one third of its population, had been the greatest tragedy of the twentieth century. To remember the lessons of that war was a moral duty both to those who had fallen and to future generations. That was one of the main objectives of the draft resolution, which her delegation called upon other States Members to support.

45. **The Chairperson** said that a recorded vote had been requested on the draft resolution, as orally revised.

46. **Mr. Lukiyantsev** (Russian Federation) asked which delegation had made that request.

47. **The Chairperson** said that it had been the United States delegation.

48. **Ms. Phipps** (United States of America), speaking in explanation of vote before the vote, said that her country was also revolted by any attempt to glorify Nazi ideology and unreservedly condemned any manifestation of religious intolerance. However, the text as presented did not differentiate between statements which, while they could be offensive,

should nonetheless enjoy protection under the right of freedom of expression, and criminal acts that were motivated by prejudice, which must always be outlawed. In a free society, hateful ideas were doomed to failure because they had no solid basis. The best way to fight intolerance was not to forbid offensive language, but to combine effective judicial protection with Government action on behalf of minorities and religious groups, and energetically defend freedom of religion and expression. Not having been able to amend the text of the draft resolution in order to bring it into line with the basic constitutional principles of the United States, her delegation would not be able to vote in favour thereof.

49. **Ms. Mårtensson** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia and the former Yugoslav Republic of Macedonia; the stabilization and association process countries Albania, Bosnia and Herzegovina and Montenegro; and, in addition, Georgia, Iceland, Liechtenstein, Norway, the Republic of Moldova and Ukraine, said that the European Union believed that the struggle against neo-Nazism was part of the struggle against all forms of racism and racial discrimination that should bring all countries together. It was for that reason, and in order to forge a real and serious response to the scourge of neo-Nazism, from which no continent was free, that the European Union had taken an active part in the informal consultations with the sponsors of the draft resolution. The European Union was happy that paragraph 8 of the draft resolution, as revised on the basis of some of its proposals, now ascribed racist practices to individuals and groups rather than to States.

50. Nevertheless, the European Union regretted that not all the proposals submitted by the various delegations had been more thoroughly considered, and that some of its most serious concerns regarding human rights in relation to racial discrimination and racism had not been taken into consideration. As had been the case in previous years, the draft resolution addressed human rights in a selective manner and risked diverting attention from real problems: the new paragraphs that had been included only further watered down the substance of the text. The European Union regretted that once again, the Judgement of the International Military Tribunal (Nuremberg trial) had been only loosely cited. While it was firmly convinced of the need to combat all forms of racism, it believed that the International Convention on the Elimination of All Forms of Racial Discrimination, articles 4 and 5, should be strictly complied with and any violation of human rights and fundamental freedoms must be prevented. The draft resolution did not underline that point.

51. The European Union considered it superfluous to require the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance to report to the General Assembly and the Human Rights Council on the implementation of the resolution: the regular reports that the Special Rapporteur presented to those two bodies already provided a comprehensive picture of the situation. For all those reasons, the European Union would abstain during the vote on the draft resolution.

52. *A recorded vote was taken on draft resolution A/C.3/64/L.53, as orally revised.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of

Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

United States of America.

Abstaining:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Fiji, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Namibia, Netherlands, New Zealand, Norway, Palau, Panama, Papua New Guinea, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Timor-Leste, Tonga, Ukraine, United Kingdom of Great Britain and Northern Ireland.

53. *Draft resolution A/C.3/64/L.53, as orally revised, was adopted by 124 votes to 1, with 55 abstentions.*

54. **Mr. Vigny** (Switzerland), while thanking the Russian Federation for having taken into account several proposals for amendments and, in particular, some of those put forward by Switzerland, explained that his delegation had had to abstain from the vote because the draft resolution did not address all contemporary forms of racism and should have been integrated into the draft resolution on racism (A/C.3/64/L.54).

Agenda item 68: Right of peoples to self-determination (*continued*) (A/C.3/64/L.57)

Draft resolution A/C.3/64/L.57: Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

55. **Mr. Khane** (Secretary of the Committee) recalled that Benin, Comoros, Ecuador, El Salvador, Gambia, the Libyan Arab Jamahiriya, South Africa and Swaziland had become sponsors of the draft resolution. Referring to paragraphs 17, 19 and 20 of the draft resolution, he cited paragraphs 7 and 8 of the report of the Secretary-General concerning revised estimates resulting from resolutions and decisions adopted by the Human Rights Council at its tenth and eleventh sessions (A/64/353) and indicated that the draft resolution had no programme budget implications.

56. **Ms. Pérez Álvarez** (Cuba), introducing draft resolution A/C.3/64/L.57 on behalf of the sponsors, who had been joined by the Dominican Republic, reaffirmed the importance of the draft resolution and expressed concern at the link between mercenary activities and terrorism. At the request of numerous African delegations, paragraph 13 had been revised and now exactly reflected the text of General Assembly resolution 63/164, paragraph 13. Furthermore, paragraph 14 should become paragraph 17 bis.

57. **The Chairperson** said that a recorded vote had been requested.

58. **Ms. Pérez Álvarez** (Cuba) asked which delegation had made that request.

59. **The Chairperson** said that it had been the United States delegation.

60. **Mr. Bennwik** (Sweden), speaking on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process countries Albania, Bosnia and Herzegovina, Montenegro and Serbia; and, in addition, the Republic of Moldova and Ukraine, said that the European Union could not vote in favour of the draft resolution. While concerned by the danger posed by mercenary activities that had been mentioned in the report of the working group, particularly with respect to the length and nature of armed conflicts, the European Union believed that the matter did not fall within the competence of either the Committee or the Human Rights Council, and should not be considered from the point of view of human rights violations or constraints on the exercise of the right of peoples to self-determination. The European Union was determined to pursue in other bodies the dialogue on the formulation of a definition of mercenary activities and on the link between mercenary activities and terrorism, subjects which were included in the remit of the Sixth Committee.

61. *A recorded vote was taken on draft resolution A/C.3/64/L.57, as orally revised.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia

(Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Fiji, Saint Kitts and Nevis, Switzerland, Timor-Leste, Tonga.

62. *Draft resolution A/C.3/64/L.57, as orally revised, was adopted by 122 votes to 53, with 5 abstentions.*

63. **Ms. Sapag** (Chile) thanked the delegation of Cuba for having deleted paragraph 9, concerning new forms of mercenary activity, thereby enabling her to vote in favour of the draft resolution. In her view, such forms of mercenary activity had not been defined in any judicial instrument.

64. **Mr. Díaz Bartolomé** (Argentina) said that he believed that the draft resolution should be interpreted and applied in the light of the relevant resolutions adopted by the General Assembly and the Special Committee on Decolonization, which took into account the special situation of the Malvinas Islands. In that regard, he cited the last preambular paragraph and paragraph 1 of General Assembly resolution 2065 (XX), and also recalled the content of paragraph 1 of General Assembly resolution 1514 (XV). He concluded by affirming that the Malvinas Islands, South Georgia Islands and South Sandwich Islands and the surrounded maritime areas were illegally occupied by the United Kingdom of Great Britain and Northern Ireland, which had expelled the local population in order to install its own nationals there.

Agenda item 69: Promotion and protection of human rights (*continued*)

(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms (*continued*) (A/C.3/64/L.28, L.29, L.30/Rev.1, L.40, L.42/Rev.1 and L.47)

Draft resolution A/C.3/64/L.28: Promotion of a democratic and equitable international order

65. **Mr. Khane** (Secretary of the Committee) recalled that Algeria, Congo, Côte d'Ivoire, Ethiopia, Lebanon, Pakistan, Paraguay and Uzbekistan had become sponsors of the draft resolution.

66. **The Chairperson** said that the draft resolution had no programme budget implications.

67. **Ms. Pérez Álvarez** (Cuba) introduced the draft resolution on behalf of its sponsors, who had been joined by Burkina Faso, the Democratic Republic of Congo, Lesotho, Seychelles, Sierra Leone, Solomon Islands, Swaziland and Syrian Arab Republic.

68. **Mr. Khane** (Secretary of the Committee) announced that Botswana, Comoros, Ghana, Madagascar, Mali and Zambia had also become sponsors of the draft resolution.

69. **The Chairperson** said that a recorded vote on the draft resolution had been requested.

70. **Ms. Pérez Álvarez** (Cuba) asked which delegation had made that request.

71. **The Chairperson** said that it had been the United States delegation.

72. **Mr. Bennwik** (Sweden), speaking in explanation of vote before the vote on behalf of the European Union; the candidate countries Croatia, the former Yugoslav Republic of Macedonia and Turkey; the stabilization and association process country Montenegro; and, in addition, the Republic of Moldova and Ukraine, said that the European Union believed that several parts of the draft resolution did not fall within the competence of the Committee and were cited in a selective and random manner, completely out of context. Furthermore, the draft resolution stressed the international obligation to control the globalization mechanism, but made no mention of State duties and responsibilities in that regard. The European Union would therefore vote against the draft resolution.

73. *A recorded vote was taken on draft resolution A/C.3/64/L.28.*

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Qatar, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Tonga, Trinidad and Tobago, Tunisia, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Monaco, Montenegro, Netherlands, New Zealand, Norway, Palau, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Samoa, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Argentina, Armenia, Chile, Mexico, Peru.

74. *Draft resolution A/C.3/64/L.28 was adopted by 121 votes to 54, with 5 abstentions.*

Draft resolution A/C.3/64/L.29: Strengthening United Nations action in the field of human rights through the promotion of international cooperation and the importance of non-selectivity, impartiality and objectivity

75. **Mr. Khane** (Secretary of the Committee) recalled that Cambodia, Democratic Republic of the Congo, Ecuador, Ethiopia, Guinea-Bissau, Pakistan, Russian Federation, Rwanda and Turkmenistan had become sponsors of the draft resolution.

76. **The Chairperson** said that the draft resolution had no programme budget implications.

77. **Ms. Pérez Álvarez** (Cuba) introduced draft resolution A/C.3/64/L.29 on behalf of its sponsors, who had been joined by Botswana, Burkina Faso, Dominican Republic, Lesotho, Mali, Namibia, Seychelles and Sierra Leone. She hoped that the draft resolution would once more be adopted by consensus.

78. **Mr. Khane** (Secretary of the Committee) announced that Botswana, Cameroon, Colombia, Comoros, Ghana, Solomon Islands, Saint Kitts and Nevis, United Republic of Tanzania and Zambia had also become sponsors of the draft resolution.

79. *Draft resolution A/C.3/64/L.29 was adopted.*

The meeting rose at 1.05 p.m.